



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 15-999**

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## **NON-ECFS FILING DEADLINES FURTHER EXTENDED DUE TO UNAVAILABILITY OF CERTAIN FCC SYSTEMS DURING IT UPGRADE PERIOD**

The Federal Communications Commission is close to completion of its large-scale back-end Information Technology improvements, which began on Wednesday, September 2, 2015, and continued through the Labor Day weekend and into this week. As discussed in a Public Notice issued earlier today, while the Electronic Comment Filing System (ECFS) and the Electronic Document Management System (EDOCS) are now available, most Commission systems and databases are likely to remain unavailable until 8 a.m. on Thursday September 10, 2015. “FCC IT Upgrades Are Nearly Complete; ECFS Now Available; All Other Systems Should Be Available 8 a.m. Thursday, September 10” (“September 8 [Public Notice](#)”).

As a consequence, in this Public Notice we further extend certain non-ECFS filing deadlines by two days, until Friday, September 11, 2015, as discussed below. This additional time will ensure that parties are not penalized for the technical inability to make required filings during the time that the Commission's online systems are not available, and allows additional time to help ensure that the Commission's systems will be able to accommodate the larger-than-usual volume of filings that are anticipated once all systems come back online.

In an August 20, 2015, Public Notice, most filing deadlines that would have fallen on September 2 through September 8, 2015, were extended to Wednesday, September 9, 2015, in anticipation of the planned upgrades. “Certain FCC Databases Will be Unavailable and Filing Deadlines will be Extended in Early September to Accommodate a Significant FCC IT Upgrade,” [DA 15-940](#), released August 20, 2015 (“August 20 Public Notice”).<sup>1</sup> The August 20 Public Notice anticipated that systems and databases would be fully available again by 8 a.m. on Tuesday, September 8. As discussed in the September 8 Public Notice, however, due to the complexity of the IT system upgrades, we now anticipate that the remaining systems and databases should be available by 8 a.m. Thursday, September 10.

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<sup>1</sup> This action was taken because Commission resources normally accessible through the Commission’s web site were expected to be temporarily unavailable during the upgrade period, with the exception of the Network Outage Reporting System (NORS), the Consumer Help Center (CHC), and the Disaster Information Reporting System (DIRS), which have remained available throughout the systems upgrade period. August 20 Public Notice at 1.

*Extension of Filing Deadlines:* In light of these considerations, we hereby further extend by two days the filing deadlines for all regulatory and enforcement deadlines that fall on September 2, 2015 through September 10, 2015, **with the exception of filings that may be made through ECFS and NORS and those with statutory filing deadlines (see below).**<sup>2</sup> With those exceptions, filings that would otherwise be due from **September 2 through September 10, 2015**, will now be due on **Friday, September 11, 2015.**<sup>3</sup> Except for the due dates specified herein, we are not automatically extending the deadlines for any other comment or filing periods that will be running during this time period, but requests for extension of time will be considered consistent with the Commission's normal practice.

*Responsive Pleadings:* To the extent the due dates for filings to which reply or responsive pleadings are allowed are affected by this Public Notice, the due dates for reply or responsive pleadings shall be extended by the same number of days (otherwise they will be governed by the terms of the August 20 Public Notice). Thus, for example, if a non-ECFS filing were originally due on September 3, and replies to that filing due ten business days later, on September 18, the initial filing would now be due on September 11 and replies on September 25. If a pleading is filed on Wednesday, September 2 (before the 6 p.m. shutdown of the electronic filing systems), the due dates for any responsive pleadings will be counted as though the pleading were filed on Friday, September 11, to take into account that other parties may not have had access to that pleading until the following week. If a filing is made on September 10, even though now due on September 11, the due dates for responses would be counted normally – i.e., from the September 10 filing date.

*Statutory Filing Deadlines:* As noted above, the Commission cannot waive statutory filing deadlines such as those associated with petitions for reconsideration. Nonetheless, because of the disruption and uncertainty associated with the suspension and relaunch of Commission filing systems, we will not consider the Commission open for filing of *non-ECFS* documents with statutory deadlines beginning at 6 p.m. on Wednesday, September 2, until 8 a.m. on Thursday, September 10.<sup>4</sup> Documents with statutory filing deadlines of September 2 through September 9, 2015, may be filed when the Commission's systems are available again, and thus shall be deemed to satisfy the statutory deadlines if filed not later than **Thursday, September 10, 2015**. We do not extend the due dates for responsive pleadings to such filings (which will be due

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<sup>2</sup> The deadlines for filing petitions for reconsideration of Commission and Bureau orders, for example, are statutory in origin. See 47 U.S.C. § 405; August 20 Public Notice at 2 n.3. We address the treatment of filings with statutory deadlines below.

<sup>3</sup> In the August 20 Public Notice, we extended the time for all regulatory and enforcement filings that would have been due September 2-8, 2015, to Wednesday, September 9, 2015, including filings made in ECFS, which was temporarily unavailable during the upgrade period but became available 8 a.m. Tuesday, September 8. The extension to September 9 granted in the August 20 Public Notice for ECFS filings is still in place. In the August 20 Public Notice, we did not provide an extension for NORS filings, as that database was available throughout the system upgrade period.

<sup>4</sup> Filings with statutory deadlines of September 2-4, 2015, that can be made in ECFS will be deemed filed on a timely basis if filed in ECFS by Tuesday, September 8, 2015, as provided in the August 20 Public Notice.

as though the filings were made on the statutory due date), but will consider requests for extension of time consistent with the Commission's normal practice.

*Mandatory Electronic Filings:* Because we have extended the due dates for all filings due during the upgrades period, the Commission will not accept paper filings in lieu of *mandatory* electronic filings from Wednesday, September 2, through Wednesday, September 9, 2015, whether or not accompanied by a request for waiver of the electronic filing requirement.<sup>5</sup>

*Special Temporary Authority (STA):* Any STAs expiring between September 2 and 10, 2015, are extended to September 11, 2015. Emergency STA requests will be processed through the FCC Operations Center (202-418-1122) while the Commission's electronic dockets and other online resources are unavailable.

*Fee Payments:* The FCC's Fee Filer System was not available starting at 6 p.m. on Wednesday, September 2, 2015, and may not again be available until 8 a.m. on Thursday, September 10, 2015. As a consequence, no regulatory fee or application fee payments can be made through Fee Filer during this period. No deadline for payments of any type (including regulatory fees) is being extended by this Public Notice, except to the extent a payment can *only* be paid through Fee Filer, in which case the applicable due date is extended in the same manner as the due dates for other regulatory filings herein. For any other payments due from 6 p.m. on Wednesday, September 2, 2015, through 8 a.m. on Thursday, September 10, 2015 (and not already paid by 6 p.m. on Wednesday, September 2, 2015), we expect such payments to be timely made through the use of US Bank. Any payments made through US Bank, such as for civil monetary penalties, miscellaneous debts and installment payments, will continue to be processed by US Bank without delay and will be posted to the FCC financial system effective as of the date paid once normal business resumes on September 10, 2015.

*Tower Construction Notification System (TCNS).* As stated in the August 20 Public Notice at 3 n.4, the TCNS automatically issues weekly notices every Wednesday, Thursday, and Friday. TCNS did not issue any of those notices on Wednesday, September 2, through Friday, September 4, 2015, and will not issue any of these notices on Wednesday, September 9, through Friday, September 11, 2015. Information that would otherwise have been issued on those dates will instead be issued on the following Wednesday, September 16, through Friday, September 18, 2015. To the extent a TCNS notice issued pursuant to this revised weekly schedule triggers a subsequent deadline for another filing or action, that subsequent deadline will be calculated from the date the notice was issued.

*Other Due Dates:* This Public Notice affects only the due dates for filings with the Commission that would have been due during the time period discussed above, and related responsive pleadings. *See also* August 20 Public Notice at 3. It does not affect the effective dates of Commission actions or other events, or dates for filings with entities other than the Commission,

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<sup>5</sup> For ECFS filings, this restriction on paper filings in lieu of mandatory electronic filings extends only through Friday, September 4, 2015. *See* August 20 Public Notice at 2.

even if such filings are also made with the Commission.<sup>6</sup> Likewise, payments owed by winning bidders in Auction 98, which are processed through banking systems and the U.S. Treasury, must be made by or before the previously announced deadlines.

In addition to this Public Notice, Bureaus and Offices may provide further guidance, including by additional Public Notice, to set additional filing deadlines different from those specified in this Public Notice for filings in specific proceedings or classes of proceedings. Whether the Commission's informal 180-day time clock for review of any pending transactions should be suspended during this time will be determined on a case-by-case basis.

For these purposes, and to the extent necessary, Section 1.4(j) of the Commission's rules, 47 C.F.R. § 1.4(j), which would otherwise require filings to be made on the first business day of resumed Commission operations, is hereby waived.<sup>7</sup>

Pursuant to 47 C.F.R. § 1.3, and their respective delegated authorities, this Public Notice is issued by the Consumer and Governmental Affairs, Enforcement, International, Media, Public Safety and Homeland Security, Wireless Telecommunications, and Wireline Competition Bureaus and the Offices of Engineering and Technology, General Counsel, Secretary, and Managing Director.

**For media inquiries, contact Office of Media Relations:**

Will Wiquist (202) 418-0509 (office); (202) 763-4710 (mobile); [will.wiquist@fcc.gov](mailto:will.wiquist@fcc.gov)

**The following individuals also are available to the public to answer legal or Bureau-specific questions:**

Office of the Secretary: (202) 418-0300; [secretary@fcc.gov](mailto:secretary@fcc.gov)

Office of General Counsel: Linda Oliver ([linda.oliver@fcc.gov](mailto:linda.oliver@fcc.gov))

Operations Center: (202) 418-1122

Wireline Competition Bureau: Ian Forbes ([ian.forbes@fcc.gov](mailto:ian.forbes@fcc.gov))

Wireless Telecommunications Bureau: Brian Regan ([brian.regan@fcc.gov](mailto:brian.regan@fcc.gov))

Media Bureau: (202) 418-7200; Ops Center after hours (202) 418-1122

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<sup>6</sup> As stated in the August 20 Public Notice at 3 n.4, "[a]ny filings with fund administrators (Universal Service, Telecommunications Relay Services (TRS), North American Numbering Plan) or entities other than the Commission (such as state commissions, U.S. Territorial or Tribal Governments) still must be timely filed with such entity during this time period. If copies of such filings are also required to be filed with the Commission, those copies should be filed with the Commission pursuant to the deadlines established in this Public Notice."

<sup>7</sup> Although the Commission will not be closed for business during this time period, many of the systems used by the public and by the staff will be unavailable as a practical matter. Section 1.4(j) of the rules provides that filings due on a holiday "shall be filed the next business day." 47 C.F.R. § 1.4(j). Rule 1.4(e)(1) defines "holiday" to include any day on which the Commission's headquarters are closed "due to adverse weather, emergency or other closing." 47 C.F.R. § 1.4(e)(1). See August 20 Public Notice at 4 n. 6.

Public Safety and Homeland Security Bureau: Ops Center (202) 418-1122  
International Bureau: Troy Tanner (troy.tanner@fcc.gov)  
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